

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTHONY RIGGINS,	:	Case No. 1:01-CV-503
	:	
Plaintiff,	:	Judge Barrett
	:	
vs.	:	
	:	
FORREST HUNT, et al.,	:	<u>PLAINTIFF'S MOTION IN</u>
	:	<u>LIMINE RE: J BLOCK AND</u>
	:	<u>PLAINTIFF EXHIBIT 29</u>
Defendants.	:	

MOTION AND MEMORANDUM IN SUPPORT

Plaintiff moves to exclude all references to J Block at SOCF as being the Block for “assaultive inmates” or “predatory inmates” or the like. The Court has ruled that Plaintiff’s RIB history is inadmissible, except if needed to impeach Plaintiff. Defendants at the prior trial referred to J Block and the inmates housed there as “assaultive” and as “predatory.” Such a characterization is unfairly prejudicial to Plaintiff and therefore under FRE 403 should be excluded.

Plaintiff Exhibit 1029 is Plaintiff’s conduct report and disciplinary record for his alleged assault of Defendant Hunt. Plaintiff withdraws Plaintiff Ex. 1029 as an exhibit in light of the Court’s ruling on the use of force reports (PX 1004 & 1005), the officer discipline records (PX 1022, 23, & 24), the representation of counsel forms (PX 1016, 17, & 18), and Defense Exhibits regarding Plaintiff’s disciplinary records (Doc. 157). Pursuant to the Court’s ruling, Plaintiff no longer will introduce PX 1029 as evidence and therefore moves that all reference to PX 1029 and Mr. Riggins’ institutional discipline regarding his alleged actions on May 12, 2000 be excluded from evidence as unfairly prejudicial under FRE 403.

Respectfully submitted,

s/ Jennifer L. Branch
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2006, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch
Attorney for Plaintiff